

**IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11 cv 201**

**MELVIN J. MOORE, JR. as EXECUTOR
OF THE ESTATE OF BARBARA P.
MOORE and MELVIN J. MOORE, JR.,
Individually,**

Plaintiffs

v

**STATE FARM INSURANCE COMPANY
T/D/B/A STATE FARM FIRE AND
CASUALTY COMPANY,**

Defendant.

ORDER

THIS MATTER has come before the undersigned pursuant to a motion filed by Melvin J. Moore, Jr. as Executor of the Estate of Barbara P. Moore requesting that he be substituted as Party Plaintiff in place and instead of Sharon M. Karlin, Collector of the Estate of Barbara P. Moore. It appears to the Court that the named Plaintiff Barbara P. Moore is deceased. It further appears that Sharon M. Karlin, as Collector of the Estate of Barbara P. Moore, filed an Affidavit of Collection Disbursement and Distribution on July 14, 2012 in Durham County, North Carolina. Thereafter, Melvin J. Moore, Jr. was appointed as Executor of the Estate of Barbara P. Moore by order of the Deputy Clerk of Superior Court of

Durham County, North Carolina on December 27, 2012 and was granted Letters Testamentary on that date. It further appears to the Court that the nature of this action is such that the cause of action survives the death of the Named Plaintiff Barbara P. Moore. During the hearing concerning this motion, Sharon M. Karlin appeared and advised the Court that she had no objection to the motion to substitute Melvin J. Moore, Jr. as Executor for the Estate of Barbara P. Moore as Party Plaintiff and to remove her, that being Sharon M. Karlin, as Collector of the Estate of Barbara P. Moore, as a Party Plaintiff.

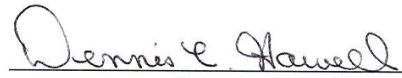
The Defendant, by and through counsel, advised that the Defendant had no objection to the motion.

ORDER

IT IS, THEREFORE, ORDERED that the Motion to Substitute Party Plaintiff (#33) is hereby **ALLOWED** and it is ordered that Melvin J. Moore, Jr. as Executor of the Estate of Barbara P. Moore, is hereby substituted as a Plaintiff in this action and the substitution shall hereafter be shown in the title to this action. The title in this action shall, in the future, be shown as: Melvin J. Moore, Jr. as Executor of the Estate of Barbara P. Moore and Melvin J. Moore, Jr., individually, Plaintiffs vs State Farm Insurance Company T/D/B/A State Farm Fire and Casualty Company, Defendant. It is further **ORDERED** that Melvin J. Moore, Jr. as

Executor of the Estate of Barbara P. Moore, is hereby allowed to adopt the Complaint filed herein.

Signed: March 26, 2013



Dennis L. Howell
United States Magistrate Judge

